

49. (NEW) The carton of claim 48, and a fourth top flap attached to said top panel at said second end.

50. (NEW) The carton of claim 48, and a finger flap defined adjacent to said tear line.

51. (NEW) The carton of claim 50, said finger flap defined on said top panel and attached to said container dispenser.

52. (NEW) The carton of claim 43, said tear line running across said top panel in a direction substantially parallel to said exiting end, then deviating from said parallel direction to define a flap which is adjacent to said tear line and attached to said dispenser.

REMARKS

Claims 1-15 stand allowed, and a Notice of Allowance and Issue Fee Due has been entered as to these claims. In accordance with the personal interview of November 5, 2000, Applicant submits herewith new Claims 16-52 for the Examiner's consideration, as well as an IDS and PTO-1449. Applicant also has added a sentence to the specification at the end of paragraph 27 (as numbered in the published application 2002/0088820 A1), which amendment is supported by the specification as originally filed, including by original drawing figures 3 and 4.

Applicant has amended Claims 1, 6, 13, 14 and 15 to address potential informalities and for clarity. Applicant submits that both prior to and after these amendments, Claims 1-15 are

allowable over the prior art. Applicant further has submitted new Claims 16-52, which also are allowable over the prior art.

Applicant therefore submits that Claims 1-52 are each in condition for allowance, and respectfully requests such favorable allowance.

The Commissioner is hereby authorized to charge any fees which may required to Deposit Account No. 09-0528.

Respectfully submitted,

1/15/03
Date

James F. Vaughan
James F. Vaughan
Registration No. 31,889

Womble Carlyle Sandridge & Rice, PLLC
P.O. Box 7037
Atlanta, GA 30357-0037
(404) 962-7528 (Telephone)
(404) 870-8178 (Facsimile)

RECEIVED
TECHNOLOGY CENTER 3600
03 JAN 16 AM 11:31

Certificate of Hand Delivery

I hereby certify that this correspondence is being hand delivered to the U.S. Patent and Trademark Office, Washington, D.C. 20231 on:

1-16-03

Richard Harris
Signature

APPENDIX
IN THE SPECIFICATION

Please replace pending paragraph [0027] with the following substitute paragraph:

In order to maintain the structural integrity of this carton, the bottom portions 90 and 92 of the side end flaps 42 and 50 are not removed from the carton when the dispenser is removed. The structural integrity of the carton is improved by the fact that the bottom end flap 46 is not removed. The bottom end flap 46 has a height H approximately equal to the distance between A and B along fold lines 44 and 52 respectively. This means that the bottom end flap 46 has the same height as the bottom portions 90 and 92 of the side end flaps 42 and 50, thus producing a strong bottom end structure. As shown in Figs. 3 and 4, the height of the bottom end structure formed by 46, 90 and 92 is less than the diameter of a can C.

IN THE CLAIMS

1. (Amended) An enclosed carton for carrying a plurality of containers in two rows, with a top and a bottom row, with each container having a diameter, the carton having two ends, at least one of which is an exiting end capable of permitting containers to exit the carton one at a time, the carton comprising:

- a. a bottom panel, top panel and foldably attached adjoining side panels;
- b. said existing end having a bottom end flap with a height that is [significantly] less than the diameter of a container to be contained in the bottom row and which is attached by a fold line to the bottom panel, a top end flap foldably attached to the top panel, a side end flap foldably attached to each side panel, and means for attaching said flaps together to close the exiting end of the carton;

c. said existing end having a tear line for forming a container dispenser opening, said tear line extending through the top panel at a distance spaced from [and generally parallel to] the exiting end and extending at an angle through each side panel towards the exiting end to the attachment of said side panel with a side end flap at a distance greater from the top panel than the bottom panel, with a fold line extending through each side end flap at a distance from the bottom panel approximately equal to the height of the bottom end flap, so that when the tear line is torn, a dispenser opening is formed for dispensing the [container] containers, with the dispenser remaining attached to the carton by the fold line through each side end flap, so that the bottom end flap and a portion of each side end flap adjacent to the bottom end flap remain attached to the carton to provide structural integrity to the carton, said dispenser forming a basket for catching containers exiting the carton; and

d. means for closing any end of the carton that is not an existing end.

2. (Allowed) The carton of claim 1 in which the tear line in the top panel extends away from the exiting end for a portion of its extension across the top panel to form a finger flap foldably attached to the dispenser to facilitate commencing opening the dispenser in the top panel between the first and second containers from the exiting end.

3. (Allowed) The carton of claim 1 in which the glue is used to close both ends of the carton.

4. (Allowed) The carton of claim 1 in which there is only one exiting end.

5. (Allowed) The carton of claim 1 in which both ends are exiting ends.

6. (Amended) An enclosed carton for carrying a plurality of containers in two rows, with a top and bottom row, each container having a diameter, the carton having two ends, at least one of [each] which is an exiting end capable of permitting containers to exit the carton one at a time, the carton comprising:

- a. a bottom panel, top panel and foldably attached adjoining side panels;
- b. said exiting end having a bottom end flap with a height that is [significantly] less than the diameter of a container to be contained in the bottom row and which is attached by a fold line to the bottom panel, a top end flap foldably attached to the top panel, a side end flap foldably attached to each side panel, and means for attaching said flaps together to close the exiting end of the carton;
- c. said exiting end having a tear line for forming a container dispenser, said tear line extending through the top panel at a distance spaced from the exiting end and extending at an angle through each side panel towards the exiting end to the attachment of said side panel with a side end flap at a distance greater from the top panel than the bottom panel, said tear line extending through each side end flap at a distance from the bottom panel approximately equal to the height of the bottom end flap so that an opening for dispensing containers is formed when the tear line is torn, said bottom end flap and the bottom portion of each side end flap remaining attached to the carton to provide structural integrity to the carton; and
- d. a means for closing any end of the carton that is not an exiting end.

7. (Allowed) The carton of claim 6 which is only capable of carrying six (6) containers in each row.
8. (Allowed) The carton of claim 6 in which the tear line through the top panel is generally parallel to the exiting end of the carton.
9. (Allowed) The carton of claim 6 in which the tear line in the top panel extends away from the exiting end for a portion of its extension across the top panel to form a finger flap foldably attached to the dispenser to facilitate commencing opening the dispenser in the top panel between the first and second containers from the exiting end.
10. (Allowed) The carton of claim 6 in which glue is used to close both ends of the carton.
11. (Allowed) The carton of claim 6 in which there is only one exiting end.
12. (Allowed) The carton of claim 6 in which both ends are existing ends.
13. (Amended) A dispenser for cartons for carrying a plurality of containers in two rows, with a top and bottom row, with each container having a diameter, wherein said carton has two ends, at least one of which is an exiting end capable of permitting containers to exit the carton one at a time, the dispenser being a part of a carton comprising:
- a. a bottom panel, a top panel and foldably attached adjoining side panels;

b. said exiting end having a bottom end flap having a height that is [significantly] less than the diameter of a container to be contained in the bottom row and which is attached by a fold line to the bottom panel, a top end flap foldably attached to the top panel, a side end flap foldably attached to each side panel, and means for attaching said flaps together to close the existing end of the carton; and

c. means for closing any non-exiting end of the carton wherein said dispenser is formed in the exiting end of the carton, said dispenser having a top [end flap] wall formed from a portion of the top panel adjacent the exiting end, a side [end flap] wall formed from a portion of each side panel adjacent the exiting end, said side [end flap] wall having an edge that extends at an angle towards the exiting end to the attachment of said side panel with a side end flap at a distance greater from the top panel than the bottom panel when the dispenser is a part of the carton, and when the dispenser is open it remains attached to the carton [to provide structural integrity to the carton], said dispenser forming a basket for catching containers exiting the carton.

14. (Amended) The dispenser of claim 13 which has a finger flap foldably attached to the top [flap] wall.

15. (Amended) An enclosed carton for carrying a plurality of containers in two rows, with a top and bottom row, the carton having two ends, at least one of [each] which is an exiting end capable of permitting containers to exit the carton one at a time, the carton comprising:

- a. a bottom panel, top panel and foldably attached adjoining side panels;
- b. an exiting end having a bottom end flap with a height to prevent the containers contained in the bottom row from rolling out when the carton is placed on a horizontal surface

and which is attached by a fold line to the bottom panel, a top end flap foldably attached to the top panel, a side end flap foldably attached to each side panel, and means for attaching said flaps together to close the exiting end of the carton;

c. said exiting end having a tear line for forming a container dispenser, said tear line extending through the top panel at a distance spaced from the exiting end and extending at an angle through each side panel towards the exiting ends to the attachment of said side panel with a side end flap at a distance greater from the top panel than the bottom panel, said tear line extending through each side end flap at a distance from the bottom panel approximately equal to the height of the bottom end flap so that an opening for dispensing containers is formed when the tear line is torn, said bottom end flap and the bottom portion of each side end flap remaining attached to the carton to provide structural integrity to the carton; and

d. a means for closing any end of the carton that is not an exiting end.

16. (NEW) An enclosed carton for carrying a plurality of containers in only two rows, with a top and a bottom row, the carton having two ends, at least one of which is an exiting end capable of permitting containers to exit the carton one at a time, the carton comprising:

a. a bottom panel, top panel and foldably attached adjoining side panels;

b. said exiting end having a bottom end flap which is attached by a fold line to the bottom panel, a top end flap foldably attached to the top panel, a side end flap foldably attached to each side panel, and means for attaching said flaps together to close the exiting end of the carton;

c. said exiting end having a tear line for forming a container dispenser opening, said tear line extending through the top panel at a distance spaced from the exiting end, from said top

panel through each side panel towards the exiting end to the attachment of said side panel with a side end flap, and then through each side end flap, the tear line through each side end flap being at such a distance from the bottom panel that when the carton is on a horizontal surface and the dispenser is opened, the height of the side end flaps between the tear line therethrough and the bottom panel prevents the end container in the bottom row from accidentally rolling out of the carton, the dispenser remaining attached to the carton by the tear line through each side end flap, said dispenser forming a basket for catching containers exiting the carton; and

d. means for closing any end of the carton that is not an exiting end.

17. (NEW) The carton of claim 16 in which the tear line in the top panel extends away from the exiting end for a portion of its extension across the top panel to form a finger flap foldably attached to the dispenser to facilitate commencing opening the dispenser in the top panel between the first and second containers from the exiting end.

18. (NEW) The carton of claim 16 in which glue is used to close both ends of the carton.

19. (NEW) The carton of claim 16 in which there is only one exiting end.

20. (NEW) The carton of claim 16 in which both ends are exiting ends.

21. (NEW) The carton of claim 16, wherein the containers are cylindrical, and said height of the side end flaps between the tear line therethrough and the bottom panel is less than the diameter of the end container in the bottom row.

22. (NEW) The carton of claim 16, wherein the height of the bottom end flap is approximately equal to the height of the side end flaps between the tear line therethrough and the bottom panel.

23. (NEW) An enclosed carton for carrying a plurality of containers in only two rows, with a top and bottom row, the carton having two ends, at least one of which is an exiting end capable of permitting containers to exit the carton one at a time, the carton comprising:

a. a bottom panel, top panel and foldably attached adjoining side panels;
b. said exiting end having a bottom end flap which is attached by a fold line to the bottom panel, a top end flap foldably attached to the top panel, a side end flap foldably attached to each side panel, and means for attaching said flaps together to close the exiting end of the carton;

c. said exiting end having a tear line for forming a container dispenser, said tear line extending through the top panel at a distance spaced from the exiting end, through each side panel towards the exiting end to the attachment of said side panel with a side end flap, and then through each side end flap, the tear line through each side end flap being at such a distance from the bottom panel that when the carton is on a horizontal surface and the dispenser is opened, the height of the side end flaps between the tear line therethrough and the bottom panel prevents the end container in the bottom row from accidentally rolling out of the carton, said bottom end flap

and the bottom portion of each side end flap remaining attached to the carton to provide structural integrity to the carton; and

d. a means for closing any end of the carton that is not an exiting end.

24. (NEW) The carton of claim 23 which can only carry six (6) containers in each row.

25. (NEW) The carton of claim 23 in which the tear line through the top panel is generally parallel to the exiting end of the carton.

26. (NEW) The carton of claim 23 in which the tear line in the top panel extends away from the exiting end for a portion of its extension across the top panel to form a finger flap foldably attached to the dispenser to facilitate commencing opening the dispenser in the top panel between the first and second containers from the exiting end.

27. (NEW) The carton of claim 23 in which glue is used to close both ends of the carton.

28. (NEW) The carton of claim 23 in which there is only one exiting end.

29. (NEW) The carton of claim 23 in which both ends are exiting ends.

30. (NEW) A dispenser for cartons for carrying a plurality of containers in only two rows, with a top and bottom row, with each container having a diameter, wherein said carton has two ends, at least one of which is an exiting end capable of permitting containers to exit the carton one at a time, the dispenser being a part of a carton comprising:

a. a bottom panel, a top panel and foldably attached adjoining side panels;
b. said exiting end having a bottom end flap which is attached by a fold line to the bottom panel, a top end flap foldably attached to the top panel, a side end flap foldably attached to each side panel, and means for attaching said flaps together to close the exiting end of the carton; and

c. means for closing any non-exiting end of the carton wherein said dispenser is formed in the exiting end of the carton;

d. said dispenser having a top wall formed from a portion of the top panel adjacent the exiting end, side walls formed from a portion of each side panel adjacent the exiting end, each said side wall having an edge that extends towards the exiting end to a point on the foldable attachment of said side panel to a side end flap, said point being at a distance greater from the top panel than the bottom panel when the dispenser is a part of the carton, and when the dispenser is open it remains attached to the carton, said dispenser forming a basket for catching containers exiting the carton.

31. (NEW) The dispenser of Claim 30 which has a finger flap foldably attached to the top wall.

32. (NEW) The dispenser of claim 30, wherein the height of the bottom end flap is approximately equal to the distance between said point and the bottom panel.

33. (NEW) A carton for carrying a plurality of containers, which containers are of equal diameters and are aligned in only two rows, with a top and a bottom row, the carton having two ends, at least one of which is an exiting end for selectively dispensing the containers, the carton comprising:

a bottom panel, a top panel and two foldably attached adjoining side panels;

said exiting end having a bottom end flap which is foldably attached to the bottom panel, a top end flap foldably attached to the top panel, a side end flap foldably attached to each side panel, and closure means for attaching said flaps together to close the exiting end of the carton;

said exiting end having a tear line for forming a container dispenser opening, said tear line extending through the top panel at a distance spaced from the top end flap at the exiting end, said tear line extending through each side panel to the attachment of said side panel with a side end flap, and then through each side end flap, the tear line through each side end flap being at a distance from the bottom panel which is less than the diameter of a container.

34. (NEW) The carton of claim 33, in which the tear line in the top panel extends away from the exiting end for a portion of its extension through the top panel to form a finger flap.

35. (NEW) The carton of claim 34, wherein the finger flap is located in the top panel between the first and second containers from the exiting end.

36. (NEW) The carton of claim 33, in which the closure means comprises glue.
37. (NEW) The carton of claim 33, in which there is only one exiting end.
38. (NEW) The carton of claim 33, in which both ends are exiting ends.
39. (NEW) The carton of claim 33, and a closed end opposite said existing end.
40. (NEW) The carton of claim 33, and a closed end having a bottom end flap which is foldably attached to the bottom panel a top end flap foldably attached to the top panel, a side end flap foldably attached to each side panel and closure means for attaching said flaps together to close the closed end of the carton.
41. (NEW) The carton of claim 40, and a flap defined adjacent to said tear line.
42. (NEW) The carton of claim 40, said tear line running across said top panel in a direction substantially parallel to said exiting end, then deviating from said parallel direction to define a flap which is adjacent to said tear line.
43. (NEW) An enclosed carton for enclosing containers, each having identical diameters and which are configured in only two rows, and for selectively dispensing the containers, the carton having a first end and a second end, and comprising:

a top panel, a first side panel foldably attached to a first side of said top panel, a second side panel foldably attached to a second side of said top panel, and a bottom panel foldably attached to both the first side panel and to the second side panel;

at the first end of the carton, a first bottom flap foldably attached to said bottom panel, a first side flap foldably attached to said first side panel, a second side flap foldably attached to said second side panel and a first top flap foldably attached to said top panel;

closure means for attaching together said carton flaps at said first end;

at the second end of the carton, a second bottom flap foldably attached to said bottom panel, a third side flap foldably attached to said first side panel, a fourth side flap foldably attached to said second side panel and a second top flap foldably attached to said top panel;

closure means for attaching together said carton flaps at said second end;

a tear line defined in said carton nearer to said first end than to said second end, said tear line extending across said top panel from said first side panel to said second side panel, said tear line also extending across said first side panel to said first side flap and across said second side panel to said second side flap; said tear line then extending across said first side flap and across said second side flap to define a dispenser at said first end which can be selectively removed from said carton along said tear line to leave first and second side flap portions; said carton including a bottom end structure comprising said first bottom end flap and said first and second side flap portions, said bottom end structure having a height which is less than the diameter of a container.

44. (NEW) The carton of claim 43, in which the tear line in the top panel extends away from the first end for a portion of its extension across the top panel to form a finger flap to facilitate commencing opening the dispenser.

45. (NEW) The carton of claim 44, wherein the finger flap is located in the top panel between the first and second containers from the first end.

46. (NEW) The carton of claim 43, in which the closure means comprises glue.

47. (NEW) The carton of claim 43, and a closed end opposite said existing end.

48. (NEW) The carton of claim 43, and a third top flap attached to said top panel at said first end.

49. (NEW) The carton of claim 48, and a fourth top flap attached to said top panel at said second end.

50. (NEW) The carton of claim 48, and a finger flap defined adjacent to said tear line.

51. (NEW) The carton of claim 50, said finger flap defined on said top panel and attached to said container dispenser.

52. (NEW) The carton of claim 43, said tear line running across said top panel in a direction substantially parallel to said exiting end, then deviating from said parallel direction to define a flap which is adjacent to said tear line and attached to said dispenser.